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August 30, 2002

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Subject: Finalized Comments

Gentlemen:

Thank you for the opportunity to respond to the DRAFT SUPPLEMENTAL EIR/EIS for the Bel Marin Keys Unit V (BMKV) Restoration Project (DEIR/S).

My comments on the DEIR/S Executive Summary are: 1. Explain why there are 2 different Executive Summaries. 2. On Table ES-2, (mislabled ES-1 on pages 2 thru 15) HYD-5 is only beneficial if adequate ponding is available, which is still unresolved, please so indicate. Also please add that as a result of the Pacheco Pond alteration, the water level in Novato Creek will be lowered by only 0.1 foot. 3. Why is HYD-8 (flood control) listed as "Less than Signifigant" when the text states the issue is not resolved? Please correct. 4. Mitigation Measure (MM) BIO-2 saves the mice but does nothing to restore mouse refuge area. Please address loss of habitat. 5. MM BIO-5 same comment, address loss of habitat. 6. LU-4 Easement- Conflicts Impacts depend on the F-2 Zoning Regulations which are unresolved. Please so state. 7. The Signifigant Impacts on Views could be at least partially mitigated by moving the levee further out. Please so indicate. I-10.1

Additional comments are in five sections, I. Habitat Issues, II. Flood Control Regulations and Project Design, III. Rejected Alternatives, Alternative 5, IV. Agriculture Policies, and V. Visual Impact Policies.

I. Habitat Issues.

Table 3-2 shows a postrestoration habitat of 849 acres of "tidal marsh". Explain how allocating such a large portion of the site for marsh habitat is consistent with the stated Project Goal: "to create a diverse array of wetland and wildlife habitats at the __ sites that benefit endangered species as well as other migratory and resident species." (underline added) How was the allocation of the various habitat areas determined? Which wetland habitat will "sustain ___ in particular Bay Area special status species" as required by the Project Objectives? Which species? How will the habitats be maintained as required by the Project Objectives? I-10.2

TIDAL SALT MARSH (TSM) ELEVATIONS
(From Figure 4-8, pg4-67+, and Table 4-2, pg4-18.)

| Marsh Type | (Vegetation-Habitat) | Elevation Range, NVGD29 |
|---|---|---|
| Middle TSM | (Pickelweed-Harvest Mouse) | MHW, 2.68'- MHHW, 3.43' |
| Low TSM | (Cordgrass-Clapper Rail) | MSL, 0' - MHW, 2.68' |

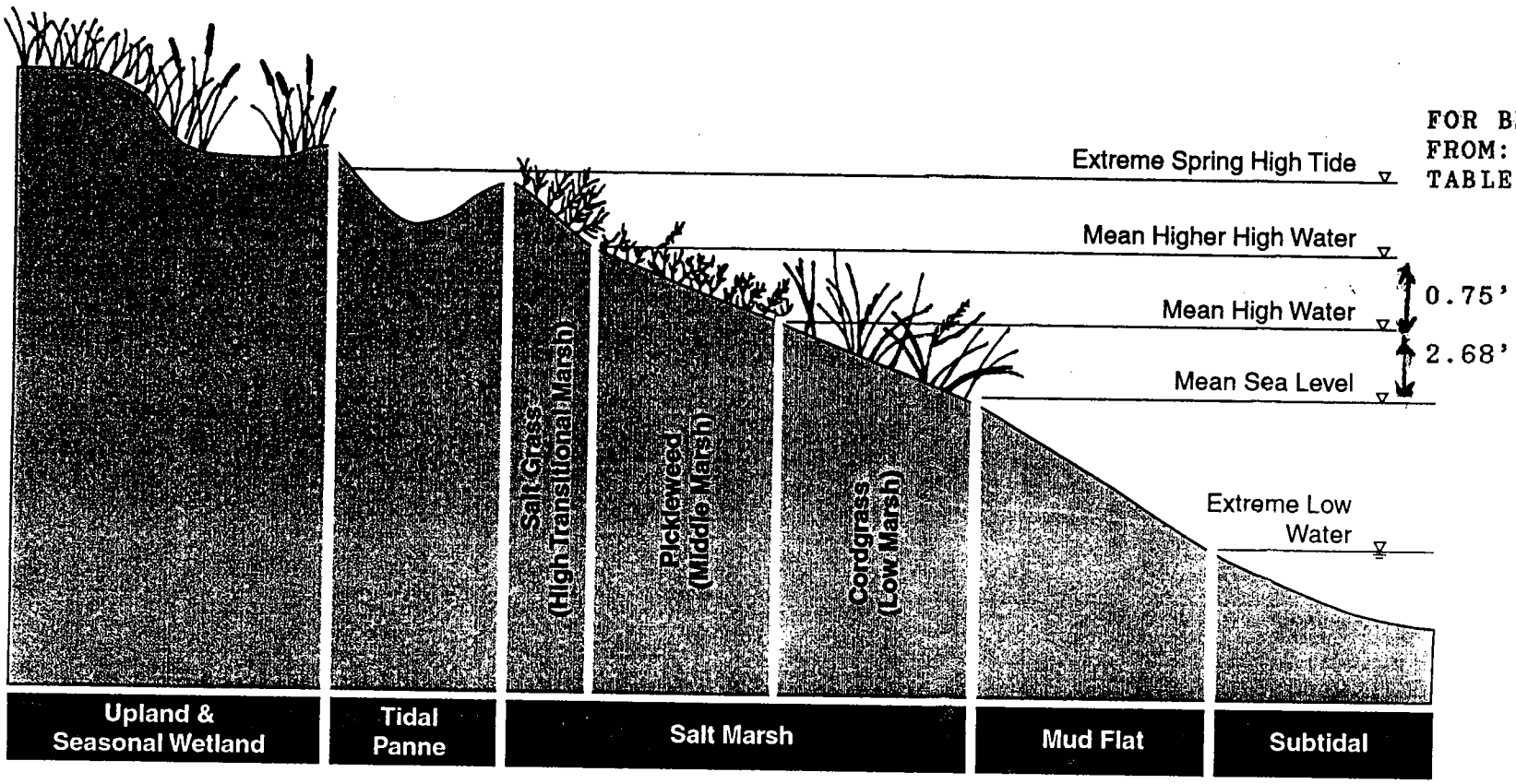
Note: MHHW - Mean Higher High Water, MHW - Mean High Water (MHW)
MSL - Mean Sea Level

To establish TSM on the whole 849 acres would require the entire area to reach equilibrium, with tidal action and after settling, as tilted planes at the right elevation and each plane with no more than 3.43' change in elevation to include both Low and Middle TSM. (See above Table and Figure 4-8, included on next page, pg 3.) Large depressions must also be absent because ponded salt water will not yield the desired habitat. In the FEIR please explain how all 849 acres could be expected to form "tidal marsh" with the above constraints.

Please provide details for establishing Middle TSM (Pickle Weed - Harvest Mouse Habitat) within the elevation range shown on the above Table. How will the exact elevation and elevation change of less than 1 foot be maintained over the area proposed given tidal and wind action? How will the exact amount of settling be determined and accounted for? What will or can be done if the calculated elevations and/or amount of settling need ajustment after the area is flooded? Please quantify the Middle TSM area and the Low TSM area that will be established at project maturity. Will the area of newly created assessable Harvest Mouse Habitat exceed the area lost during the proposed restoration? Please specify habitat areas before and after restoration. Will new habitat meet the 3 for 1 requirement? Please provide documented evidence to show the proposed Tidal Wetland Design method described on pg 3-19 will actually yield 100% of the desired tidal marsh areas after settling. If not 100%, what percentage can be expected with certainty, based on past restoration? I-10.2 Con't.

If documented evidence does not support the project restoration scenario, then I propose that a more likely scenario: tidal erosion and silt deposition will establish an "equilibrium length" (EL) of TSM perpendicular to any existing or new levee. (See Figure 4-8, next page, pg 3.) EL can be determined if it is not known or published. Any tidal area beyond the EL limit will not be TSM habitat, it will be mud-flats.

If the above more likely TSM scenario is correct, decreasing the amount of tidal area will not necessarily decrease the area of TSM because it is more dependent on levee length than tidal area. Please take this into account when evaluating the merits of the alternatives and the "Mid-1800's shoreline" Alternative in the FEIR/S, see Section III.




Source: Woodward-Clyde 1998.

02002.02 002

Jones & Stokes

nhc northwest hydraulic consultants

**Figure 4-8**
**Schematic of Habitats by Tide Levels**

Attachment I-10

Please evaluate the area of TSM habitat in each alternative in the FEIR/S using this more reasonable scenario if documented restoration projects do not support the project scenario. I-10.2

Loss of Habitat.

There is no mention of the loss of Salt Marsh Harvest Mouse refuge area and mouse mortality due to flooding during high water after the Novato Creek levee and the bay levee are lowered. In the FEIR/S please quantify the extent and effects of this refuge loss and determine if the flood control benefits on the creek warrant the loss. This loss must be evaluated separately since lowering the levee does not produce additional habitat elsewhere. Will restored habitat meet the 3 for 1 criteria? How will the lowered levee be maintained so it does not erode away further with time. I-10.3

Alternative 2 - Seasonal Wetlands

Under Alternative 2 all the water from San Jose Creek and Pacheco Creek passes through Pacheco Pond to the bay through the new ponding area. The proposed Pacheco Pond ponding area is listed as 210 acres of seasonal wetlands. This would imply that all of the area will become dry in the summer. This can only occur if San Jose and Pacheco Creeks dry up and the water left in the new pond all evaporates before the fall rains.

The water in the new pond can only flow to the bay when it is higher than the tide level. Therefore, the depth of water left in the pond after the creeks dry up will depend on the elevation of the bottom of the ponding area relative to the tide as well as the flap gate elevation. Flapgate maintenance (silt deposition) must be considered when selecting its elevation. I-10.4

The flow analysis of Pacheco Pond in Appendix B does not address the proper flow scenario. It analyzes only peak storm flow and neglects the continuous winter rain flow which also must flow through the pond to the bay. For the FEIR/S please perform a proper analysis of the pond system including all the variables discussed above. Also revise the pond area size if necessary to handle the increased flow.

II. Flood Control Regulations and Project Design.

F-2 Zoning.

The stated purpose of the county F-2 zoning regulation "is to insure that life and property will be protected within the designated zone". BMK Unit 4 (BMK4) was built on a "specified encroachment area" (100 acres for BMK4) in a "designated F-2 zone" as per the regulation. The regulation further states "(1) That the remaining area or percentage of the parcel (300 acres for BMK4) shall be subject to ponding and overflow". It is therefore very clear that the 300 acre ponding easement is for the protection of BMK4 and that "No ___ activity which would I-10.5

reduce the ponding area or capacity" of that remaining area shall be permitted. The 300 acre dedication to BMK4 is therefore independant of the future resolution of any F-2 zone requirements for the remainder of the property.

Please note per the regulation that the ponding "capacity" as well as the area must be preserved for the sole use of BMK4. It certainly appears that none of the alternatives, except the "no build" alternative meets the requirement of the regulation since there is no ultimate channel or equivalent proposed. Please explain in the FEIR/S how each alternative will satisfy the county flood control regulations regarding the BMK4 300 acre ponding requirement for area and capacity.

The regulation also provides "(3) Drainage improvements (to enable the ponding to be used shall be constructed by the land owner." In this case the developer of BMK4. The county waived this requirement for BMK4 because it was obvious that flood water overflowing the levee would have no difficulty finding the 300 acres. However that waiver had no affect on BMK4's use of the 300 acres. (Private conversation with John Wooley, MC Public works, prior to easement date in 1997.) It is unknown why the easement contains wording pertaining to 3 acres rather than 300. It makes no sense to provide for removal of the easement if the levee heights are increased since the purpose is to provide for water release not water retention. Regardless of the easement language, the 300 acre ponding area is still granted to BMK4. Please address this inconsistency in the FEIR/S. I-10.5 Con't.

The DEIR/S does not specify the elevations of the seasonal wetlands. The schematic drawings indicate that the ground elevations are essentially at the same level as the BMK lagoons and consequently will have essentially no ponding capacity for BMK4. Please provide the necessary information in the FEIR/S to show that the seasonal wetlands have the area and capacity to satisfy the F-2 zoning requirments for BMK4.

Levee "Improvements".

It is not clear why the existing South Lagoon levee is being raised to provide 6 feet NGDV after settling. The most effective flood control device for BMK4 (and the South lagoon) is a spillway which requires no manual operation and will not plug up or malfunction. Raising the levees around the spillway makes no sense.

The sections of the levee that are at 5 feet are adequate to keep the water in. Raising the levee could be potentially detremental because it could raise the water level and cause unnecessary flooding if the water overflow system, other than a spillway, malfunctioned for some reason during winter storms. The sections of the levee that are less than 5 feet should be raised, but only to 5 feet initially to avoid unecessarily impacting views. Any settlement can be corrected when and if necessary. Please explain in the FEIR/S the rational for the proposed design. I-10.6

Even if a 6 foot levee were deemed necessary for some unexplained reason, it is not clear why it is proposed to add 5 feet to the existing 5 foot high areas to provide only the 1 foot required after settling. Please explain in the FEIR/S.
Pacheco Pond Overfow Ponding, Alternative 2. I-10.6 Con't.

To route San Jose Creek water to the bay through the proposed overflow pond, the pond water level must be high enough to discharge the full Creek-flow to the bay during winter storm conditions with a high tide of 7' NGVD. A portion of the storm water could be stored until the bay level subsides. The Pacheco Pond water level must be higher than the overflow pond level but low enough to prevent flooding in the Industrial Park or elsewhere. In the FEIR, please show how the ponding system would operate with the current design. If more ponding were required than in the current design, there would be further incentive to accept Alternate 5. See Section III. (Also see Section I, Alternative 2 - Seasonal Wetlands) I-10.7

For Impact HDY-5 please indicate in the FEIR/S that the change in the water level in Novato Creek will only be 0.1 foot as a result of the Pacheco Pond alteration. I-10.8

III. Rejected Alternatives, Alternative 5

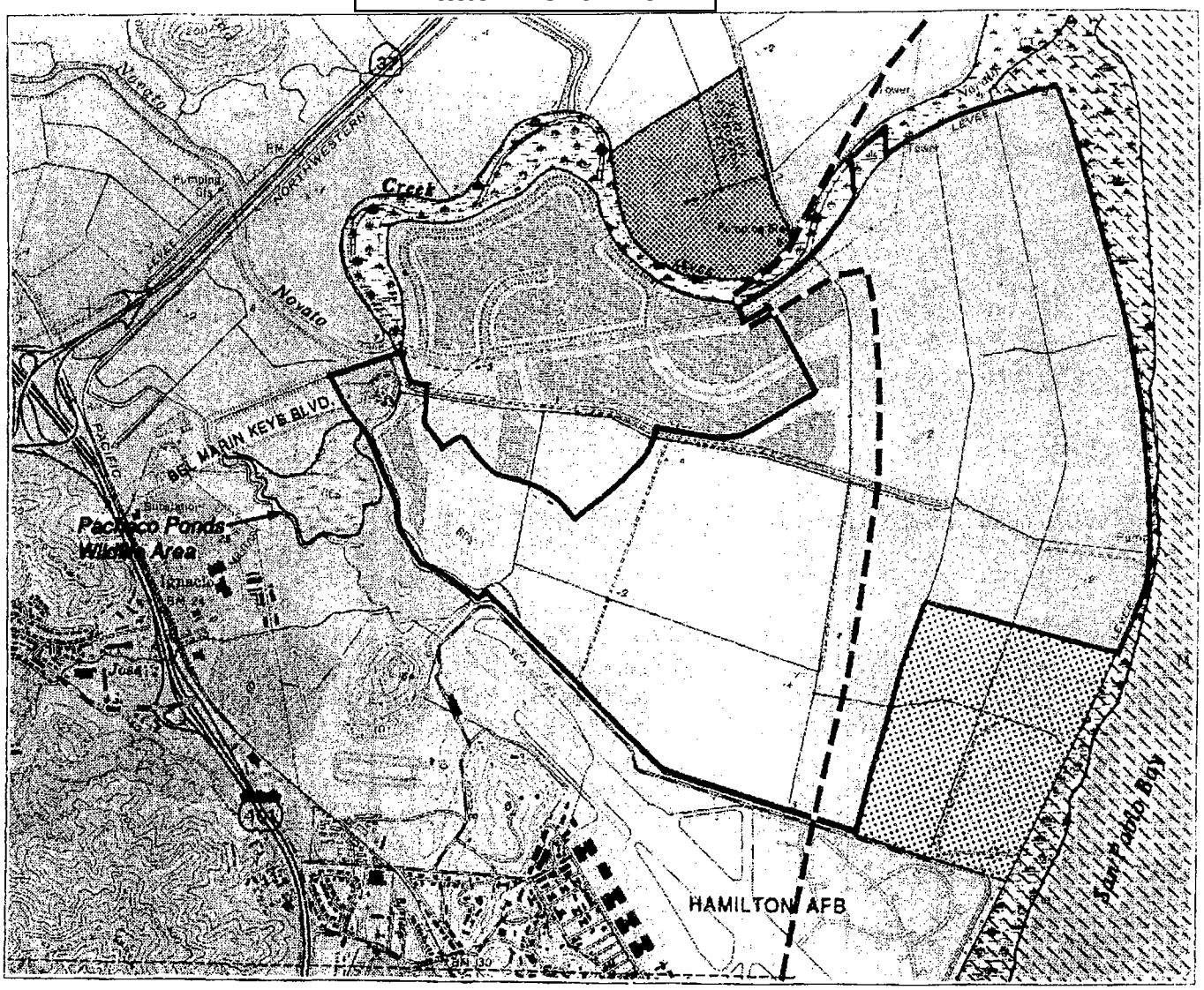
Alternative 5 - Historic Bay/Wetland Restoration (Mid-1800's shore-line) is not described in detail. I assume it is the alternative I suggested in my response to the NOI/NOP dated December 12, 2001. (See Appendix G, Letter 3. Please note that the approximate shoreline shown on Figure 1 was incorrectly labled. It should read Mid-1800's, not Mid-1880's.) A copy of the source document, Figure 5.B-1, FEIR/S, BMK5, is presented on the next page, pg 7. The new levee would be placed at the Mid-1800's "shoreline" for this alternative.

The Alternative was rejected because it "would not meet the HWRP objectives as well__". However, the HWRP objectives have no provision for maximizing" any particular habitat. Please explain why the HWRP objectives are not met as well if the restored tidal area ended at the Mid-1800's shoreline shown on Figure 5.B-1. Also, why was this alternative left out of the Executive Summary List, pg 3-10? I-10.9

In the FEIR/S please reevaluate the mid-1800's shoreline alternative described above using the information developed from Section I. Please also discuss the following advantages of placing the new outboard levee at the mid-1800's shoreline location:

1. May provide esentially the same tidal salt marsh area as Alternatives 1&2. See Section I.
2. Provide the BMK4 300-acres F-2 ponding requirement.
3. Provide additional area to expand ponding for the Pacheco Pond overflow to provide additional flood control for the City of Novato if necessary.

Attachment I-10




Salt Marsh Harvest Mouse and California Clapper Rail Essential Habitat

Federally-Owned Diked Lands (under FWS jurisdiction

State-Owned Diked Lands (use not yet determined)

San Pablo Bay Wildlife Management Area (State of California)

Shoreline in Mid-1800's

Project Boundary

0 3000 Feet

not corrected acc's

SOURCE: Environmental Science Associates, Inc.

*Bel Marin Keys / 91-187* ■

**Figure 5.B-1**
Wildlife Preserves and Other Sensitive Areas Surrounding the Project Site

4. Allow economic agriculture in the summer (see Policy A-6, Consistency Analysis, pg 4.16 of FEIR/EIS.) to satisfy the CWP. (A-1.6 & EQ-2.58)
5. Provide expanded area for diversity of habitat (CWP EQ-2.58)
6. Provide agriculture to meet BCDC Policy 1, pg 6 and Policy 2, pg 4 of BCDC Diked Historic Baylands of S.F. Bay.
7. Provide wetlands area equivalent to the mid-1800's.
8. Preserve the 151 acres agricultural wetlands with "no-net loss" of wetlands. (See pg 3-13, Exec. Sum.)
10. Preserve the 114 acres seasonal wetlands in the borrow pit area.
11. Reduce the visual impact of the outboard levee on BMK residents.
12. Reduced noise level in BMK during construction.
13. Mitigate Signifigant Impacts BIO-6, BIO-7, BIO -20.

I-10.9 Con't.

IV. Agricutural Policies.

The DEIR/S does not adequately address the Marin Countywide Plan (CWP) Policies and the Final BMK UNIT 5 EIR/EIS (BMK5 FEIR/S) findings referred to in my response to the NOI/NOP dated December 12, 2001. (See Appendix G, Letter 3.)

In the Final EIR/EIS (FEIR/S) for the Restoration Project please determine the impact of the project on the following CWP Policies:

FIRST, UNDER "LAND USE IN THE BAY FRONT CONSEVATION ZONE".

POLICY EQ-2.45 GRANTS AGRICULTURE USE AND FLOOD BASIN (USE) EQUAL STATUS WITH RESTORATION TO TIDAL STATUS.

POLICY EQ-2.49, MANDATES PREPARATION OF AN ENVIRONMENTAL ASSESSMENT (EA) PRIOR TO DEVELOPMENT. THE EA BECOMES PART OF THE EIR.

SECOND, UNDER "AGRICULTURAL LANDS IN THE BAYFRONT CONSERVATION ZONE" (BFC).

I-10.10

POLICY A-1.6, STATES, "RECOGNIZING THAT AGRICULTURE LAND IS A NON-RENEWABLE RESOURCE, THE COUNTY WILL, TO THE EXTENT FEASIBLE AND LEGAL, PRESERVE PRODUCTIVE AGRICULTURE LAND IN THE BFC IN THE CITY-CENTERED CORRIDOR.

POLICY EQ-2.58 STATES, "THE COUNTY SHALL PROTECT EXISTING AGRICULTURE LANDS IN THE BFC", AND LISTS REASONS FOR THEIR IMPORTANCE.

The DEIR/S impact analysis LU-1, Pg 4-120, does not fully analyze EQ-2.45. It omits the directive that "agricultural use" and "flood basin" have equal status with restoration and are uses which "provide or protect wetland or wildlife habitat" and "shall be encouraged". Please include in the FEIR/S an impact analysis of the project which recognizes these uses

Policy EQ-2.49 is not addressed or mentioned in the DEIR/S. The Policy states, "The County shall review all proposed development ___ to ensure maximum possible habitat retoration and protection."

This Policy recognizes that there should be a proper balance between upland and tidal habitat. In addition to the above CWP the stated HWRP Goal "is to create a diverse array of wetland and wildlife habitats at the __sites that benefit endangered species as well as other migratory and resident species". Table 4-3 of the Executive Summary shows a "Moderate loss" for "Upland habitat Value" and "Large positive effect" for Alt. 1 & 2. No analysis is presented to show how much of the site should be restored to tidal wetlands and how much should be upland habitat (agriculture) to satisfy the CWP and the stated HWRP goal.

In the FEIR/S, please address Policy EQ-2.49. In view of Policy EQ-2.49 and the results of the Alternative 5 reevaluation in III above, show justification for tidal restoration in excess of the shoreline boundary in the mid-1800's, as shown on Fig. 5,B-1 of the BMK5.

Explain why an Environmental Assesment was not prepared as required by EQ-2.49a?

The analysis of the project impact on agriculture is a generalization which does not adequately address all policies and facts. The negative impact on Policy EQ-2.58 is dismissed because although "The site currently supports farmland of local importance", 1241 acres is small compared to the total land in ag use in Marin County. (Impact LU-5) This reasoning is the equivalent of "One cigarete at a time". The analysis completely disregards the intent of the policy, and the intent of Policy A-1.6 which is not addressed or mentioned in the DEIR/S. It also disregards the potential agricultural value of the site that is documented on Pg. 4-171 of the DEIR/EIS: "Over the next 30 years (from 1916 to 1946) Calpak used the property to grow sugar beets, peas and other crops___". I-10.10 Con't.

The analysis also states "the restoration__is expected to maintain or improve on the visual aesthetics of the BMKV site itself. However, Executive Summary Table 4-3 lists under Visual resources: "Minor temporary impacts; long-term change in views from BMK Community". I find this inconsistent. Please explain the conclusion, "maintain or improve on the visual aesthetics".

The BMK Unit 5 (BMK5) Final EIR/EIS listed analyses of impacts of that development on Table 3.D-1. The analysis found:
1. Loss of regional oat hay production and, 2. Loss of local oat hay production, were both Class I impacts. ie Unavoidable Signifigant Impact(s) or Potentially Unavoidable Signifigant Impact(s) after implementaion of mitigation measures.

Please reevaluate the impact of the project on agriculture taking into account the above comments, including CWP Policy A-1.6 and the findings in the BMK5 FEIR/EIS.

II. Visual Impact Policies

The discussion on page 4-179 of views from Viewpoints 1 through 4 I-10.11

is misleading. It states that the views in each case are "partially obstructed by the outboard levee" but from Viewpoint 5 it is unobstructed. In the FEIR/S please explain why the views are considered "partially obstructed" in 1-4 and what the difference is between Views 5 and 1-4. I personally have difficultly even seeing the height of the levee in Views 1-4.

I-10.11 Con't.

In the FEIR/s please recognize that the impact on views could be minimized by, 1. not increasing the height of the existing level above 5' NGDV (see Levee Improvements under Section II.), and 2. moving the new levee further away so there is less impact similar to Viewpoint 5 (see Section III.)

I look forward to your response in the FEIR/S to my concerns.

Sincerely yours,

R A Farnham

Robert A. Farnham

cc: Steve Goldbeck, BCDC
Marin County Board of Supervisors
Marin County Public Works Department
Marin County Planning Department
BMK CSD/Planning Advisory Board
City of Novato Public Works

# I-10 Robert A. Farnham

**I-10.1**

Responses are provided below for each numbered item within the comment.

1) The combined volume I contains 2 documents: the Draft GRR and the Draft SEIR/EIS. Each of these documents has an executive summary. The GRR is not part of the SEIR/EIS; it is a Corps planning document.

2) Typo corrected in Final SEIR/EIS.

As described in the *Surface-Water Hydrology and Tidal Hydraulics* section in chapter 4 and as shown in figures 4-5 and 4-6, the proposed project is expected to lower off-peak flood stage in Novato Creek. This would enhance the ability to drain the BMK lagoons, which is considered beneficial. Regarding ponding capacity see Master Response 2. The hydrologic and hydraulic studies took into account the ability of BMKV to receive overflow from Novato Creek and have concluded that the proposed project would not increase flood stage. Therefore, there is no effective loss of flood control function on the BMKVexpansion site including ponding capacity. The study results are note designed to precisely predict the amount of change in Novato Creek stage, only to determine whether or not the change would be positive or negative; regardless, the study results show a far greater decrease in off-peak stage (up to several feet). It is at off-peak stage when the BMK lagoons can drain - thus as noted above this is identified as a benefit regardless of the actual amount of reduction in stage that might result from the project.

3) As described in the *Surface-Water Hydrology and Tidal Hydraulics* section in chapter 4 of the Draft SEIR/EIS, the analysis of significance presumes potential inconsistency with the drainage easements (because consistency has not yet been determined by MCFCWCD). However, the potential inconsistency with the drainage easements is related to the language in the easements themselves and is not related to a physical adverse effect of the project on flooding. Not all potential impacts are considered significant effects on the environment, particularly when they are not related to a negative physical effect. Since the focus of NEPA and CEQA is on the physical adverse effects on the environment, the potential inconsistency with the easements, though unresolved, it not considered a significant effect on the environment in absence of an identified negative effect on flooding.

4) The proposed project would create approximately 1,000 acres of tidal marsh habitat overall, which would be a substantial benefit to salt marsh harvest mouse, including high transitional marsh habitat which can serve as refuge. Temporary disturbance and loss of tidal marsh during levee lowering and breaching would be mitigated by creation of substantially larger overall habitat areas for the salt marsh harvest mouse which is a major goal of the project. See Impact BIO-14.

5) Loss of grassland habitat that may support burrowing owls is discussed in Impact BIO-18 in the draft SEIR/EIS. Due to the restoration of an equal or larger amount of grassland than at present, this impact is considered less-than-significant.

6) The discussion in Impact LU-4 regarding the MCFCWCD drainage easements is a cross-reference to the discussion under Impact HYD-8. See response to 3) above regarding NEPA, CEQA and determination of significant effects on the environment.

7) In the preferred alternative, the new outboard levee has been move to a location approximately 1,500 feet from the south lagoon in part to lessen the visual effect on residential views. This in addition to the lowering of initial construction height by 2 feet is now determined to mitigate this impact to a less-than-significant level.

**I-10.2**

See Master Response 11 regarding habitat mixes. As noted in the Master Response, there is a clear emphasis on creating habitat for threatened and endangered species. In addition, the scientific consensus represented in the San Francisco Bay Ecosystem Goals Report supports the creation of a wide tidal plain on the BMKV and Hamilton sites, which supports a habitat plan that is dominated by the creation of coastal salt marsh, though not to the exclusion of other habitats such as seasonal wetland or upland that are included in the preferred alternative

As described in chapter 3 of the SEIR/EIS, site preparation and placement of dredged material is designed to create surface elevations ranging from approximately 2 feet NGVD to 0 feet NGVD prior to levee breaching. Material placement amounts and elevations have taken into account expected settling. These amounts and elevations would be confirmed during the detailed design phase. Final marsh elevations would be established by natural deposition of fine-grained sediments from San Pablo Bay and Novato Creek. While settling would occur, establishment and maintenance of marsh elevations occurs over time through the deposition of sediments throughout the tidal range. The conceptual design retains the portion of the outboard levees below MHHW and includes internal peninsulas, both of which serve to make the site into a “sediment trap” that favors deposition of fine-grained material. This conceptual approach has been used previously at the other restoration projects in Corte Madera and other parts of San Francisco Bay.

As part of post-construction monitoring, the Corps and Conservancy (or their successors) will monitor marsh formation to evaluate whether elevation and vegetation establishment is occurring in accordance with design (See Mitigation Measure BIO-8); if not remedial actions would be considered and proposed at that time.

The amounts of low, middle, and high marsh are listed in table 3-2. As identified in Impact BIO-14 in the Final SEIR/EIS, construction is expected to result in loss of 1 to 3 acres per breach and 2 to 5 acres of tidal marsh due to morphological changes resulting from increase in tidal prism. The 21 acres of non-tidal coastal salt marsh within the levees is separate from the tidal marsh outside the levees; as a conservative assumption it is presumed potential habitat. Presuming that all of this is salt marsh harvest mouse habitat, the preferred alternative would create an estimated 792 acres of middle salt marsh, a ratio of at least 18:1. Since this is a large ratio, even if 100%of the estimated habitat does not ultimately result, it is reasonable to expect that the project would result in a substantial increase of habitat to offset any losses of existing habitat.

The commenter asserts that it is more likely that tidal salt marsh would form perpendicular to existing or new levees out to a certain “equilibrium level” and presumably asserts that this would not occur in the same areas as the proposed design. If the project included removing all of the outboard levees (e.g.

including that below MHW), included no internal peninsulas, and included no use of dredged material, then the commenter's scenario is conceptually possible.

Because the project design is based on local environmental conditions, prior restoration experience, and hydrologic and hydraulic studies, the assertion by the commenter that the project design is not substantiated is unfounded. The design includes features specifically selected to trap sediment and promote marsh elevations formation across the entire area designated for coastal salt marsh. The commenter's alternative marsh scenario does not include any features to favor development of marsh across the available site area, and thus would be expected to form far less tidal salt marsh, which would not meet the project goal and objectives as robustly as the preferred alternative or the other alternatives analyzed in the SEIR/EIS.

**I-10.3**

Loss of Habitat is evaluated in Impact BIO-14.

As noted above, the overall project would substantially increase the amount of salt marsh harvest mouse habitat, including high transitional marsh and adjacent upland areas that would function as refugia. The project design in the preferred alternative is to create 79 acres of high transitional marsh on BMKV, in addition to about 90 acres on the SLC site. In addition periodic areas of remnant outboard levee would be left as refugia, and upland adjacent to the new outboard levee would also provide refugia. These provisions are expected to more than offset available refugia for salt marsh harvest mouse that would hopefully colonize the expansion site.

**I-10.4**

As noted on chapter 3 of the Final SEIR/EIS, the overflow structurefor the seasonal wetland in Revised Alternative 2 would facilitate overflow when water surface elevations exceed 1.5 feet NGVD, which would allow surface elevations to be maintained at the same elevations at present. Also, the preferred alternative envisions the potential use of the existing outlet in combination with the new outlet to the seasonal wetlands. The hydrologic and hydraulic analysis in appendix B is designed only to identify potential flooding impacts or benefits for the proposed alternatives. Conceptual design of the inverts of the new outlet to BMKV is identified in the document. Specific water management prescriptions and engineering design of new water management structures would be conducted during the detailed design phase; however the study conducted is adequate to identify the potential for significant impacts in the SEIR/EIS.

**I-10.5**

See Master Response 3 regarding MCFCWCD drainage easements and Master Response 4 regarding BMK CSD drainage agreement for BMK south lagoon overflow. As noted in the master responses, the 300-acre easement is held by the MCFCWCD, not the BMK CSD, and thus determination of its amendment is the responsibility of Marin County. Nothing in the easement states anything about it being for the "sole" use of BMK4.

The commenter confuses the BMK CSD easement for the overflow structure which specifically references a 3.034-acre portion of parcel 157-172-07 as the recipient parcel on BMKV for overflow water and makes no mention of the 300-acre area, parcel, or easement.

As disclosed in the Draft SEIR/EIS, for the purposes of impact assessment, it was presumed that the project may be inconsistent with the language of the MCFCWCD easements or the F-2 zoning; however that conclusion does not mean that flooding would increase in Novato Creek, Pacheco Pond, or the BMK south lagoon. The Draft SEIR/EIS presents the results of a hydrologic and hydraulic study that concludes that the project would not have adverse effects on flooding and would result in some benefits by reducing peak flood stage in Pacheco Pond and by reducing off-peak stage in Novato Creek, which would assist BMK CSD in draining the lagoons.

The bottom of the seasonal wetland area would be at approximately –1.5 feet NGVD and the ponding capacity of the seasonal wetland (below 1.5 feet NGVD) has been estimated at about 400 AF; the ponding capacity will be greater than this amount, depending on the final design of the overflow structure. The swale bottom would be at approximately –1.5 feet NGVD and the ponding capacity of the swale area (below 1.5 feet NGVD) has been estimated at about 450 AF; the actual ponding capacity is likely to be greater than this, depending on the final design of the overflow structure (s). These details have been added to the project description.

**I-10.6**

The preferred alternative includes improvement of the south lagoon levee to a 6 feet NGVD initial construction elevation to settle to a 5 feet NGVD elevation. The levee presently includes several low spots near 2 feet NGVD elevation. The 5 feet NGVD design, as the commenter notes, has been considered adequate by the BMK CSD for lagoon control. The preferred alternative includes new flow structures to allow high-water flow to the new swale on BMKV to facilitate compliance with the existing overflow easement. In addition, improvements to the levees adjacent to the south lagoon lock have been added to the preferred alternative to reduce the likelihood of Novato Creek bypass flow entering the south lagoon and raising high-water levels.

**I-10.7**

As described in the *Surface-Water Hydrology and Tidal Hydraulics* section in chapter 4 of the Draft SEIR/EIS, the addition of the seasonal wetland area would lower peak stage in Pacheco Pond compared to the present condition. Since the project is not a flood control project, the seasonal wetland condition is not being designed to provide a specific control on peak stage; however the additional storage would reduce the potential peak stage, regardless of actual stage level. As noted in the chapter 3, the Corps and Conservancy would participate in the development of a new management plan for Pacheco Pond during the detailed design phase of the project that would establish design details for the new outlet and use parameters for both the new and existing outlet. Development of this plan in conjunction with the detailed design would optimize the operation of Pacheco Pond for both flood control and wildlife conservation. Finally, since the purpose of the project is not flood control, and the SEIR/EIS does not identify an adverse effect of the project on Pacheco Pond, the seasonal wetland (or expanded pond area) does not need to be expanded as suggested by the commenter.

**I-10.8**

Impact HYD-5 has been revised to include the results of the modeling for both peak and sub-peak stage levels. However, as noted in Master Response 2, the studies conducted were not developed to predict the actual stage level, only to identify whether or not stage levels would be raised or lowered or unchanged

by the proposed project; thus the actual stage decrease (peak or sub-peak) may be different than that shown in the model. Also, the model is based on conservative assumptions. Regardless, the expected effect of the proposed project is to provide no change or a minimal decrease in peak stage and a larger change in sub-peak stage, which should improve the ability to drain the BMK lagoons during storm events.

**I-10.9**

Chapter 3 correctly identifies the reference as being to mid-1800s.

Alternative 5 as described in the Draft SEIR/EIS has been updated to note that the outboard levee would be at an elevation between MHW and MHHW and would have to be breached to allow tidal flow into the tidal marsh area on the western part of BMKV. The intent of Alternative 5 is to mimic conditions when the Bay margin was much further west than at present (e.g. prior to the massive deposition of hydraulic mining sediment in San Pablo Bay in the second half of the 1800s). As noted in the Draft SEIR/EIS, the western half of BMKV would be designed to support tidal marsh and receive diverted flow from Arroyo San Jose and Pacheco Pond (presumably through a new outlet on the east side of Pacheco Pond). This alternative is substantially different than that proposed by the author in this comment and in the prior comment on the NOP.

The author's suggested alternative was not considered in the SEIR/EIS because it would: a) provide for far less overall habitat values due to retention of agriculture on the entire non-tidal area; b) require continued pumping in order to provide for drainage; and c) not substantially expand the range of alternatives considered.

In chapter 3, other alternatives or alternative features considered but dismissed from further analysis include the features suggested by the author including: a) mid-1800s shoreline (Alternative 5); b) a smaller restoration area (Alternative 7) to maintain existing drainage easements and 75% of the site F-2 nominal ponding capacity, regardless of actual impacts on flooding; c) retention or replacement of agricultural ponding areas (Alternative 10); and d) and varying habitat mixes (Alternative 4). While the alternatives considered may not capture every nuance of the author's alternative, the alternatives considered present a reasonable range of alternatives to meet the project's goals and objectives.

As noted in Master Response 11 concerning habitat design, the project has a clear emphasis on coastal salt marsh because it provides habitat for threatened and endangered and other special status species, and because of the historic 80 to 90% loss of this habitat in San Francisco Bay, and because of the recommendations represented in the Bayland Ecosystems Habitat Goals Report for a wide tidal marsh plain on the HAAF, SLC and BMKV sites.

As noted in the response to Comment I-10.2, the alternative marsh formation scenario is not likely to result in the same amount of tidal marsh on the site, and thus would not meet the project's goal and objectives.

Though this was not an intended design rationale, the location of the preferred alternative new levee is now fairly close to the mid-1800s shoreline identified by the commenter.

Responses to specific numbered items in this comment are noted below:

1) As noted in response to Comment I-10.2, the commenter's suggested alternative marsh formation scenario makes no provision for conditions favorable to natural sedimentation to achieve marsh elevations. The alternative mentions no specifics regarding lowering of outboard levees, internal peninsulas, breaches, or other details. Thus, it is speculative to assert that it would result in the same tidal salt marsh as Alternatives 1 and 2 or not.

2) This alternative would result in tidal inundation of the 300-acre MCFCWCD easement area similar to the preferred alternative. Presumably the commenter believes that the area behind the new outboard levee would be sufficiently large to offset the 300-acre area. This is likely to be true, however, as noted in the *Surface-Water Hydrology and Tidal Hydraulic* section, the determination of compliance or amendment with the MCFCWCD easements has not been done by the MCFCWCD at this time and a conclusion about compliance cannot be made. The swale area in alternative 2 is 387 acres. It may also provide sufficient area that MCFCWCD may deem it a replacement for the existing 300-acre easement.

3) The commenter's alternative would not necessarily provide any more space for Pacheco Pond overflow than Alternative 1 or the preferred alternative. If, as the commenter asserts, this alternative would provide the same amount of tidal habitat as Alternative 1 or 2, then it can only be concluded that the remaining area for ponding for either BMK lagoon or Pacheco Pond is the same as, not more than, Alternative 1 or 2.

4) See Master Response 17 regarding agriculture. Retaining a small portion of the site in agriculture is not considered economically sustainable. The Conservancy studied agriculture on the entire site and found that it was not economically sustainable, and thus maintaining agriculture on a portion of site would be even more questionable. Retaining agriculture on the non-tidal portion would provide less non-tidal habitat value than the preferred alternative.

5) As noted above, this alternative does not include a greater amount of area for "diversity" of habitat than Alternative 1 or 2, if it includes an equivalent portion of the site for tidal salt marsh.

6) Also see Master Response 17 regarding agriculture. The comment cites a 1982 BCDC study of diked historic baylands in San Francisco Bay and policies which wer never formally adopted into the Bay Plan. The current San Francisco Bay Plan, which is administered by BCDC, calls for projects like the BMKV expansion explicitly under the Tidal Marshes and Tidal Flats Findings and Policies Concerning Tidal Marshes and Tidal Flats Around the Bay section of the Bay Plan. Finding (f) states: "Diked agricultural baylands, salt ponds and managed wetlands also offer the greatest opportunity to restore large parts of the Bay to tidal action". Policy (4) states: "Where and whenever possible, former tidal marshes and tidal flats that have been diked from the Bay should be restored to tidal action in order to replace lost historic wetlands or should be managed to provide important Bay habitat functions, such as resting, foraging and breeding habitat for fish, other aquatic organisms and wildlife."

7) Neither this suggested alternative nor any of the alternatives analyzed in the SEIR/EIS would provide wetlands that are equivalent to that present in the mid-1800s. Prior to 1850, the entire low-lying area west of the Bay margin was entirely tidal salt marsh and salt pond, including the western two-thirds of the expansion site, the entire Bel Marin Keys community and lagoons (all of which are built on diked bayland), Hamilton airfield, Pacheco Pond and the Ignacio Business Park. Except at Hamilton Airfield, it is not considered feasible to convert any of the other areas of tidal marsh from their present development.

8) Impact BIO-17 in the Draft SEIR/EIS analyzed the loss of the agricultural ponding areas and concluded the impact was less than significant. These areas are not natural wetland areas, provide lower quality habitat than the seasonal wetland included in the preferred alternative, and if retained would result in lower overall habitat value for the restoration as a whole. Also, the possibility of retaining or replacing the agricultural ponding areas was evaluated as a potential alternative (Alternative Feature 10) and rejected from further consideration for similar reasons.

10) All of the 114 acres of the seasonal wetland are not in the borrow pit area; in fact the borrow pit area contains only about 25 acres of the existing seasonal wetlands, though it does contain 15 acres of non-tidal salt marsh and 15 acres of brackish open water.

The sponsors are trying to avoid the use of pumping for drainage to meet the project objective of a design that has little need of active management. While the existing borrow pit area would be within the swale in the preferred alternative, maintenance of the existing habitat at its existing subsided elevation would make it impossible to drain this area without pumping.

11) In the preferred alternative, the outboard levee has been move to a point 1,500 feet from the south lagoon, which is considered adequate to reduce the visual impact to less than significant.

12) Noise impacts are discussed in the *Noise* section in chapter 4 of the Draft SEIR/EIS, and mitigation measures are presented in that section that would reduce the impact to less than significant. Construction noise would still be audible for some of the BMK residents when grading and improvements are done on the south lagoon levee and other parts of the expansion site near residential areas, but should be relatively temporary in duration.

13) Mitigation measures are provided to reduce impacts BIO-6, BIO-7, and BIO-20 to a less-than significant level.

**I-10.10**

See Master Response 17 regarding agriculture. Also see Marin County Community Development agency Comment Letter (L-9), in which the CDA staff state that the CWP agricultural policies do not apply to the proposed project as it is not deemed "development". Regardless, the remainder of this response discusses the CWP policies on agriculture in relation to the proposed project for the benefit of the reader.

The comment refers to a number of topics under letter item "IV. Agriculture Policies" that are both directly and indirectly related to agriculture policies found in the Marin Countywide Plan. The following response addresses all these topics individually.

*CWP Policy EQ-2.45* - As described in the CWP, the purpose of policy EQ-2.45 is for the County to "foster the enhancement of the wildlife and aquatic habitat value of the diked historic marshlands subzone." Additionally, the policy encourages land uses that include "restoration to tidal status, restoration to seasonal wetlands, agriculture use…" and also states that when development is proposed that "priority should be given to water oriented uses such as public access and low intensity passive recreational and educational opportunities." Although the policy does state that any of the mentioned land uses are allowable, it does not state whether one type of use has greater weight than another, or rate the weight of the uses in any way. As such, the purpose of the proposed action to "create a diverse array of *wetland and wildlife habitat* at the BMKV and HAAF sites that benefit endangered species as well as

other…species." is actually consistent with Policy EQ-2.45. A clarification has been made to the analysis under LU-1 in the Final SEIR/EIS. Furthermore, table 3-2 describes the total post restoration acreages that are expected under each alternative, which shows the different habitat mixes including the amount of upland, tidal salt marsh, seasonal wetland habitat that would be present on the expansion site. The discussion provided on pages ES-10 through ES-13 provides an evaluation of how the proposed action meets the goal and objectives of the HWRP.

*CWP Policy EQ-2.49* – Policy EQ-2.49 is described as part of the regulatory setting section on page 4-109 of the Draft SEIR/EIS. As described in the CWP, the purpose of policy EQ-2.49 is to ensure that any development that is proposed to occur within the Bayfront Conservation Zone is properly evaluated for the potential impacts the development may pose on habitats in this zone, and to ensure maximum possible habitat restoration and protection. The project meets this CWP goal. The Draft SEIR/EIS evaluates all the potential biologic, geologic, hazard, aesthetic, and many other environmental impacts that could occur as a result of the project. Thus the requirement to prepare an "environmental assessment" in the context of the policy is fulfilled with the Draft SEIR/EIS. Comments related to Alternative 5 (in relation to EQ-2.49) are addressed in the response to comment I-10.10.

*CWP Policies A-1.6 and EQ-2.58* - As described in the CWP, the purpose of policy A-1.6 is to minimize impacts to agricultural lands by preventing or mitigating for the loss of productive agricultural land within the Bayfront Conservation Zone. The proposed action would result in the loss of current agricultural lands on the expansion site. However, the conversion of the BMKV expansion site from agricultural production to a restored wetland habitat is not considered a significant impact because the site is not prime, unique farmland or farmland of state importance, agricultural is not considered economically sustainable on the BMKV expansion site, and production on the site constitutes a very limited role in the county and regional agricultural economy. Agricultural production on the site results in less than 1% of the total Marin County production of oat and hay (SFIA 2002). Furthermore, the value of the agricultural land has been documented as being poor in quality for farming due to a number of factors including: poor soil quality, poor drainage, and a lack of water supply (Gustasson pers. comm.). The site is recorded as being farmland of local importance, however, in accordance with CEQA Guidelines and professional practice, the SEIR/EIS significance threshold does not consider loss of locally important farmland as significant impact. Regarding the prior EIR/EIS analysis of agriculture see discussion in Master Response 17.

*Visual Resources/Aesthetics Impact Conclusion Clarification* – The comment identifies a section in the GRR, not the Draft SEIR/EIS. The Draft SEIR/EIS, in accordance with CEQA Guidelines, analyzes the impacts on visual resources or aesthetics in relation to the proposed action in 2 ways: 1) by analyzing the physical changes to the aesthetics on the BMKV expansion site itself (Impact AE-1), and 2) by the changes in the views of the site from adjacent land uses (Impacts AE-2 and AE-3). Regarding the site aesthetics itself, the Draft SEIR/EIS concluded that although the project would change site aesthetic character (from agriculture to tidal wetland, seasonal wetland, and upland), this impact is determined to be less than significant, and for some viewers would be perceived as attractive and positive (thus supporting the cited statement on page 4-122 of "maintaining or improving on the visual resources of the expansion site itself"). The Draft SEIR/EIS also evaluated potential obstruction of views of the site resulting from the construction of improved and new levees near the BMK residential development. Impacts related to obstruction of views were found to be significant in the Draft SEIR/EIS. With the changes in the preferred alternative (reduction in new and improved levee heights and movement of the outboard levee further from residential development), the Final EIS/EIS analysis concludes that the preferred alternative would have a less-than-significant impact related to obstruction of views.

**I-10.11**

See Master Response 9 regarding visual resources.

The *Aesthetics* section in chapter 4 of the Draft SEIR/EIS identifies that views of San Pablo Bay are partially obstructed by the existing outboard levee, which ranges in height between 6 feet and 8 feet NGVD. Discussion of Viewpoint 5 does not include an apparent view of San Pablo Bay from street level; the views noted of lagoon, farmland, hills, and utility structures, which are unobstructed.

The outboard levee is difficult to see in the field and difficult to see in the photos in the *Aesthetics* section because the vegetation on the outboard levee is the same color as the vegetation in the adjacent farmland and fallow land and because it is between 5000 and 8000 feet from the viewer.

The partial obstruction of San Pablo Bay from first floor views was identified by visual observation in the field that the area of San Pablo Bay immediately east of the outboard levee is not apparent from the viewpoints and from the line-of-sight analysis in appendix F, which identifies that the outboard levee obscures views of the first several thousand feet of San Pablo Bay from Bel Marin Keys.

The preferred alternative would raise the south lagoon levee initially by only 1 foot in most locations, with settlement to 5 feet NGVD, and this should have minimal to no affect on middle-range views of the BMKV expansion site and no effect on long-range views. The new outboard levee has been moved to 1,500 feet south and east of the lagoon and the initial construction height lowered by 2 feet to 10 feet NGVD. These changes would reduce this impact to a less-than-significant level.

Comment Letter I-11

**From:** "Jolliffe, Eric F SPN" <Eric.F.Jolliffe@spd02.usace.army.mil>
**To:** "'rwalter@jsanet.com'" <rwalter@jsanet.com>
**Date:** 9/3/02 4:03PM
**Subject:** FW: dredgings

-----Original Message-----
From: gkrone2@juno.com [mailto:gkrone2@juno.com]
Sent: Friday, August 23, 2002 6:52 PM
To: ejolliffe@spd.usace.army.mil
Cc: gkrone2@juno.com
Subject: dredgings

We were told by some environmental? person that the dredgings from Novato creek ( which is fed by natural watersheds with no industrial or commercial discharges ) were probably too contaminated to be placed on land ( while they have in the past with no dire consequences.

But in any case tell my why dredgings from Oakland and Alameda and other such heavy industrial and commercial areas would be so much cleaner and desirable. I-11.1

Also, in any case, please advise as to your environmental and quality control contacts that evaluate the suitability of such dredgings.

I am not against land filling dredgings ( if that is an option so much better than dumping them off the continental shelf ). To put it quite bluntly, having been an active sailer, I have always considered the procedure of dumping the dredgings back into the bay as beyond: "stupid make-work ". I know the story about the out going tides flushing them all away - some does and much does not - maybe some of those even flushed up here to contaminate our silt. Not all of our water comes from Sacramento, as we both know that the bay water is salty beyond Benicia.

I also believe that a major needed housing project was stalled for many years, and then finally killed - in most part due to the desire of some to have swamps and marshes instead. Based on recent information it seems that some of that was a cover for the background desire to dump dredgings on land - possibly to circumvent another flag waving crowds mission to prevent encroachment on the bay. I-11.2

With all of the land available It seems this all could have been done with something for everyone - instead of this much to much one-sided steam roller that seems to be in motion.

Would appreciate any of your answers and comments

GFK

Tom Gandesbery tgandesbery@SCC.CA.gov
Calif. Sate Coastal Conservancy 510 286 7028
1330 Broadway 11th flr
Oakland, CA 94612-2530

Cathy Osugi fax 503 231 5187
USF&WS (NWRS/RPL)
911 NE 11th Ave. P " " 2096
Portland, OR 97232-4181

Eric Jolliffe ejolliffe@spd.usace.army.mil
USA CofE SF Dist. 415 977 8543
333 Market St 7th flr
San Francisco, CA 94105

Subject: BMK Unit V Exp
Ref: Report of July 2002

7/27/02

To Whom it may concern:

I had an opportunity to leaf briefly through your rather comprehensive report, and need the following clarifications and verifications.

1. In the past I had registered my claim to parcel 157-171-07, both in writing and over the phone. From the scale of the maps presented and the indiscernible border lines, I can not be sure as to whether that claim on the 7.93 acre parcel is being respected. This in an outgrowth of conversations and offers made to the previous owners before, during and after the court settlement between CQ and the Conservancy.

I-11.3

2. That parcel has fallen into disrepair and vandalism during the interim. The use I intend would correct that condition and also complies with the communities request for a proper buffer zone, with attentive care, between it and your operations.

3. So my question at this time is whether that claim is being respected and/or should I file an official lien.

4. What other office(s) should be contacted in this respect

G F Kroneberger
Box 5067
Novato, CA 94948

Gkrone2@juno.com 415 883 6813

PS On several occasions I have requested to be included on your distributions - this has not taken place.

Please excuse the compactness of this correspondence as I wanted to keep it down to one page.

# I-11 G. F. Kroneberger

### I-11.1

See Master Response 10 regarding dredged material quality and sources. All material proposed for use at BMKV must be determined suitable for wetland cover material by the DMMO, which is hosted by the Army Corps of Engineers, 333 Market St., 8th Floor, San Francisco, CA 94105 (Contact David Dwinell (415) 977-8741),

### I-11.2

One of the project objectives is to beneficially reuse dredged material, if feasible. The HWRP and BMKV expansion sites are both heavily subsided. Use of dredged material is proposed both to accelerate the timeframe necessary for establishment of elevations favorable for the formation of tidal marsh and to provide an opportunity for beneficial reuse (thus avoiding in-Bay or in-Ocean disposal). . The intended use of dredged material has been considered and disclosed for a long time—in early planning for the LTMS, in the EIR/EIS for the HWRP in 1998, and in project planning for the BMKV expansion.

### I-11.3

The Conservancy holds title to the subject property and is not aware of any claim. Also note that the property is not currently within the boundaries of the restoration project described in the Draft SEIR/EIS. The Conservancy would take steps to prevent vandalism and illegal dumping on the property. The website, mailing address and phone number for the California State Coastal Conservancy office: 1330 Broadway, Suite 1100, Oakland, CA 94612, (510) 286-1015.

Comment Letter I-12

JEFFORY MORSHEAD
5 Bon Air Rd., Suite 108
Larkspur, CA 94939

July 25, 2002

Tom Gandesbery
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA
94612-2530

Re: Bel Marin Keys Unit V Expansion
Hamilton Army Airfield Wetland
Restoration Project

The EIR should include a statement such as:

1. *In the likely event that federal funding is delayed or withdrawn and or the runway is requisitioned for Homeland Security, there should be a provision to delay The Unit V Expansion (and for fininding an alternate place for Dredged Material Placemen).* I-12.1

2. *Only clean non-toxic materials should be permitted.* I-12.2

Please acknowledge receipt of these suggestions.

J. Morshead

Jeffory Morshead, Retired

C: Hamilton Reuse Committee Private 401 C-3

# I-12 Jeffory Morshead

### I-12.1

Comment noted. At the present, the project is being considered for Congressional authorization as part of the Water Resources Development Act of 2002. If authorized, the project would be funded by subsequent Congressional appropriation acts. At the present, no such request for use of the Hamilton Airfield for homeland security or any non-wetland use exists.

### I-12.2

See Master Response 10 regarding dredged material quality and sources. Chapter 3 of the Draft SEIR/EIS specifies that the project would only accept material determined to be suitable for wetland cover material by the DMMO.

RECEIVED
AUG 2 7 2002
COASTAL CONSERVANCY
OAKLAND, CALIF.

**WRITTEN COMMENT FORM**

**BEL MARIN KEYS UNIT V EXPANSION OF THE HAMILTON WETLAND RESTORATION PROJECT**

Comment Letter I-13

**PUBLIC HEARING ON THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT/STATEMENT**

**WRITTEN COMMENT FORM**

Name: GUENTHER & URSEL BRAUN
Address: 116 BAHAMA REEF, BEL MARIN KEYS
Phone Number: 415-883-8388
Email: GUENTHERBRAUN@MSN.COM

Comments: **Change your tidal and wetland habitats objective and include PRESERVATION OF EXISTING WILD LIFE HABITATS, IT IS A MUST AND NOT AN OPTION.**

## Center your construction close to the bay shoreline and not close to Bel Marin Keys.

**Explanation:**

**The Bel Marin Community has consionsly preserved its environment and its friendly outlook on wildlife. Our yards and streets are kept clean, water quality is excellent, we recycle our trash and maintain many public parks at our expense.**

**Wildlife is coming to our community in ever increasing numbers. Deer, foxes, wild geese and white pelicans to name a few.**

**Around 1982 wild geese were seasonal. I single young goose joint up with a domestic one (white) and decided to stay year round. Over the years the flock grew and we now have hundreds of wild geese year round. There where no white pelicans in the past. Our friendly neighborhood played a great role in this wildlife development.** I-13.1

**Your current plans will disturb wildlife habitats.**

**Trucks, noise, construction and landfill will destroy existing habitats and a growing wildlife population.**

**You can not dump 4' – 12' of dirt on top of existing habitats and disrupt nesting areas and the white pelicans at the Pond and in waters immediately south of the south lagoon levee.**

**Would you allow private industry to disrupt existing wildlife?**

**Therefore, minimize disrupting what is there; strive for a well-balanced dry and wetland environment.**

**Modify your plans and move any construction activities close to San Pablo Bay. Create a small wetland habitat to be shared with preserved dry land habitats. Wetland at the expense of dry land is not a choice. All species combined , including the human race, will live in harmony if you make it happen.**

**Replace alternative 1,2 and 3 and let your mind and outlook grow beyond preserving endangered species.**

BEL MARIN KEYS UNIT V EXPANSION OF THE
HAMILTON WETLAND RESTORATION PROJECT
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/REPORT
TRANSCRIPT OF PUBLIC COMMENT AT PUBLIC HEARING (8/21/02)

GUENTHER BRAUN

I live at 116 Alhambra Reef.

I'd like for you to give consideration to the potential diminishing property values at Bel Marin Keys. I think you can clearly understand that insurance is one variable. Traffic towards Bel Marin Keys is another variable. We don't know whether these features will be maintained. Safeguarding our properties is another variable. Novato Creek is another one, so I don't think it is clearly understood the potential many risks we have to our properties and to our living standard, as we know it today. I-13.2

Certainly, I pointed out earlier levees with trails, levees at a four-foot level, trails on top of it. Infringing on the current privacy of home owners is another risk. I-13.3

To that end, I'd like for you to very seriously consider putting sufficient funds into escrow or setting up bonds which can be used to reimburse Bel Marin Keys citizens should your work have an adverse effect on the living standard and property values. I think you need to have some sort of assurance that have the recourse and have a way to diminish our risk. I-13.4

Thank you.

# I-13 Guenther and Ursel Braun

### I-13.1

The Draft SEIR/EIS discussed the effects of the proposed project on existing wildlife habitats and identifies mitigation to reduce the effects during construction. See the Master Response 11 regarding habitat design and Master Response 12 regarding existing wildlife habitats. The project goals and objectives are those previously identified for the Hamilton Wetland Restoration Project. As this is an expansion of the authorized HWRP, the goals and objectives for the BMKV expansion must be the same as the existing project.

### I-13.2

See Master Response 5 regarding potential project effects on flood insurance, Master Response 16 regarding potential project effects related to construction, Master Response 6 regarding potential project effects on Novato Creek morphology, and Master Response 2 regarding potential project effects on flooding.

### I-13.3

Presumably the comment concerns potential spur trails to the south of the BMK south lagoon. In the preferred alternative, the spur has been deleted.

### I-13.4

Comment noted.

Comment Letter I-14

August 27, 2002

Nancy Kubik
192 Caribe Isle
Novato, CA 94949

Tom Gandesbery
California State Coastal Conservancy
1330 Broadway 11th Floor
Oakland, CA 94612-2530

Eric Jolliffe
U. S. Army Corps of Engineers
San Francisco District
333 Market Street 7th Floor
San Francisco, CA 94105

Dear Sirs:

As an 11 year resident of Bel Marin Keyes, I am happy to share local knowledge to facilitate the Bel Marin Keyes Unit V expansion of the Hamilton Wetlands project. I would like to mention a few things that EIR-EIS authors Jones and Stokes may not have fully understood as they did not have the benefit of seeing the ecosystem over the years.

1) Placement of the Bay Trail and Nature Center.
My understanding is that there is to ultimately be a connecting trail which will encircle the Bay. In Novato, the connecting point to the north of BMK Blvd.is at Hamilton Drive. See Map. If the Bay Trail to the south of BMK Blvd. (Bel Marin Keyes Blvd) is to the west of Pacheco Pond the 2 areas will be about 1/4 miles apart. The 2 ends will almost be visible to each other. Signs will be clear. People will not be walking along the section of BMK Blvd which is narrow and has no sidewalks. This road is dangerous. I-14.1
We had a fatality along this section several years ago. The road narrows even further as it curves up over a little hill. Visibility is very poor along the curves. We have drivers lose control in this area several times a year. I do not feel it is a suitable area to increase the foot traffic as would happen if the trail were to go along the east of Pacheco Pond. I know the increased traffic into the neighborhood along this section of road would be a burden to the BMK community as well. BMK Blvd. is the third most traveled road in

Marin County. It has only one access and egress point. The only mitigation would be to widen the road and install a berm and sidewalks on the other side of berm to protect the walkers and install gates to protect the community from increased traffic.
This, however, would not protect the bird community. We have huge eucalyptus trees – I know, they are not indigenous but the birds don't seem to mind- that harbor Egrets and Herons. The site rivals Audubon Canyon Ranch. Fortunately the trees are on private property and there is no plan to cut them down. These trees abut the parking lot in which Plan 2 and 3 place the nature center. The birds come from miles around to sleep in the trees and to nest. I feel the birds would be disturbed by construction and by increased traffic in the area. Their mitigation is to place the nature center at Hamilton on the City of Novato property.

Another plus for putting the trail along the west side of Pacheco Pond is that the workers in the Industrial Park would have access to a lovely and safe trail nearby and the birds are already used to humans in that area. I-14.1 Con't.

The portion of the Bay Trail north of BMK Blvd. goes to a road just under highway 37 and can very easily be extended to Vintage Oaks Shopping Center and even beyond that with a spur trail along the north side of Novato Creek up near the Novato Hospital. I have walked there easily. People along that trail have dogs with them. People in Hamilton have dogs also. I object to your plan to exclude dogs from the section of the Bay Trail through BMKV. What are we to do with the dog if we are walking from Hamilton to Vintage Oaks? The Las Gallinas Sewer District off Smith Ranch Road has an area of habitat for wildlife. Dogs are permitted in this area on leash. I suggest you study this area for a reference. I have marked it on the map.

2) As a long time resident and walker and nature observer I am aware of the indigenous wildlife in our area. I did not see many of the species mentioned in the EIR-EIS so naturally there was no mention of mitigation for them. We have 3 deer families. I do not know their range. I do know they have fawns each year so there is clearly enough habitat for them to breed. I do not know if they are isolated or can access the deer on the west side of the freeway through wildlife corridors. I have seen a 2 point buck who I saw as a fawn and yearling as well. There are rabbits, skunks, raccoons, possums, snakes including rattlesnakes, ground squirrels, vole, mice, rats, gophers and moles. There is a complex web of life which involves the I-14.2

oat gleanings and the water in Pacheco Pond. We have, in the trees and structures, Golden Eagles, Barn Owls, Screech Owls, and bats (important for mosquito control) . Various other birds nest and feed within the protection of the blackberry bushes. Mammals also use them for protection and food. Every year in August and lasting usually until mid September the wild Canadian geese come in by the thousands. They feed in the oat fields. They fly directly over our houses about 9:30 – 10 am and back again in the evening around dusk. Each day the groups grow larger until suddenly – they have flown south.

I would like to see a plan to protect these animals and birds which already exist and which form a diverse web of life in BMKV. Right now I only see a plan to eliminate their habitat by removing most of the upland grasses, cutting the trees, and removing the buildings and the blackberry bushes which harbor them. This is contrary to the mission statement for the Coastal Conservancy. I feel we can add wetland habitat AND protect many of our existing species AND use up more dredge spoils (hopefully those from BMK in this sensitive area so as to maintain the same seeds etc.) by the following plan: I-14.2 Con't.

Move the new levee to at least 2000 feet or more to the south and west of the existing south levee in BMK. This could increase upland habitat – hopefully enough to sustain breeding populations - as much of the area between Pacheco Pond and the BMK south levee would be a swale with seasonal wetlands and overflow capacity from Pacheco Pond or the South Lagoon, and upland grass including oats, berry bushes – much as it is now. More fill might be needed for this. The existing ecosystem could be retained. Keep existing trees and barns and build and plant new diverse habitats and nest sites for the larger birds. This reduces the amount of wetland, but wetland alone will not provide the necessary diversity. Where will the Golden Eagle nest? The Egret? These are integral to a wetland habitat. If sufficient habitat is left as it now is, the addition of wetland can be seen as a plus and a more intact ecosystem retained.

I would expect there to be a wildlife corridor, both in the completed plan and at all times during construction which provides access to other similar habitat as well as fresh water. I feel this will also reduce the amount of animals fleeing construction only to enter the habitat of the Homo Sapiens and associated felines and canines. I-14.3

For the above reasons I like Plan 2 with the following changes:

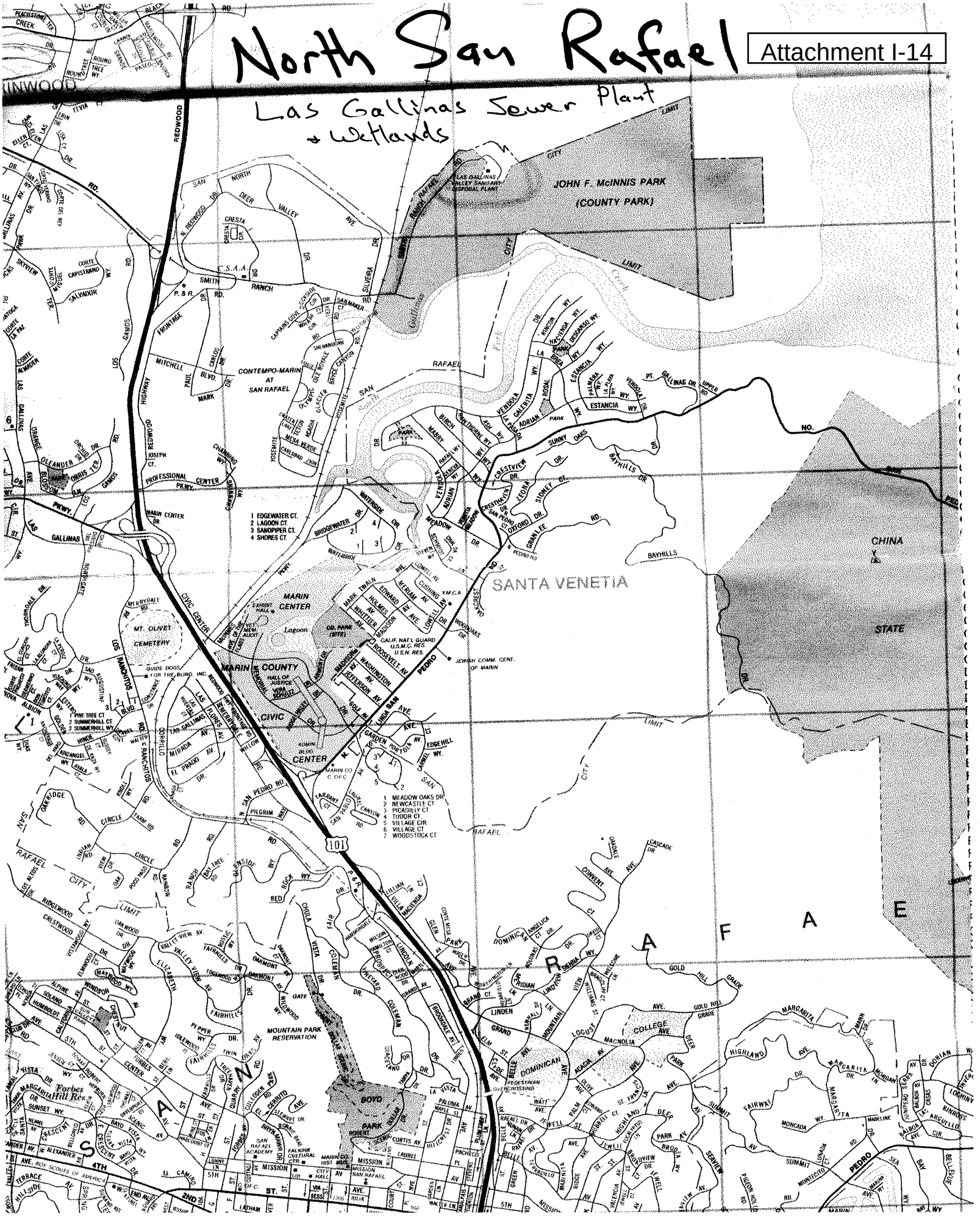
1) Bay Tail West of Pacheco Pond to connect with the northern portion of the Bay Trail and avoid exposing walkers to narrow and dangerous portion of BMK Blvd.
2) Nature Center at Hamilton on the City of Novato property to protect nesting egret trees at BMK housing entrance and avoid congesting BMK Blvd and negatively impacting Homo Sapiens habitat. I-14.4
3) New levee 2000 feet or more south and west of existing BMK South Lagoon levee (this also mitigates the loss of the view from the South Lagoon homes and meets the flood control needs) to provide habitat for existing species and provide more diverse ecosystem.
4) Leaving existing trees and barns for existing nests and bat habitat
5) Permit dogs on leashes

By attending to these issues and improving on these ideas, you will have created a wonderful new combination of improvements for all species concerned. I look forward to seeing these points addressed in the final EIR-EIS.

Sincerely,

Nancy Kubik

Attachment I-14


North San Rafael
Attachment I-14
Las Gallinas Sewer Plant
+ Wetlands
JOHN F. McINNIS PARK
(COUNTY PARK)
LAS GALLINAS VALLEY SANITARY DISPOSAL PLANT
CONTEMPO-MARIN AT SAN RAFAEL
SANTA VENETIA
MARIN CENTER
MARIN COUNTY CIVIC CENTER
MOUNTAIN PARK RESERVATION
MT. OLIVET CEMETERY
CHINA
STATE
1 EDGEWATER CT.
2 LAGOON CT.
3 SANDPIPER CT.
4 SHORES CT.
1 MEADOW OAKS DR
2 NEWCASTLE CT
3 PICADILLY CT
4 TUDOR CT.
5 VILLAGE CIR
6 VILLAGE CT
7 WOODSTOCK CT
1 PINE TREE CT
2 SUMMERHILL CT
3 SUMMERHILL WY
SAN RAFAEL
101

BEL MARIN KEYS UNIT V EXPANSION OF THE
HAMILTON WETLAND RESTORATION PROJECT
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/REPORT
TRANSCRIPT OF PUBLIC COMMENT AT PUBLIC HEARING (8/21/02)

NANCY KUBIK

Hi, I'm Nancy Kubik. I live at 192 Caribe Isle.

And I too am concerned about the resident species -- not just ourselves but the ones that live on the land. We have three deer families on our land out there. And we have rabbits, opossums, raccoons, ground squirrels. I would like to know how these species are going to be protected and what's going to happen to their current habitat -- it's obviously doing to be reduced -- but how far is it going to be? Will it be too low for breeding populations? That's not mentioned and I'd like to know that.

I'd also like to know what the plan is for their protection during construction, which I imagine would include a consistent wildlife corridor and access to fresh water so they stay in their habitat and not our habitat.

I-14.5

And each fall we get two to three thousand Canadian geese flying in and out of the oat fields over our houses. I don't see that mentioned at all in the report. And I don't see any mitigation for that.

We have the golden eagles being mentioned and we have the egrets nesting. I want to know what the interpretive center trailhead auto and foot traffic alternatives 2 and 3 will do to these egrets who are right on the edge overhanging the parking lot right along the Audubon Center, but I don't want to tell too many people that. I'm very concerned that the development will adversely affect these resident populations. And in the final EIR/EIS, I would like to see attention paid to mitigate this.

I would like to see trees left. I'd like to see structures left.

I'd like to keep the interpretive center at Hamilton and move the levee at least 1000 feet further southwest, which I think would provide room to put in even more dredged soils and protect the deer families by giving them more habitat.

I-14.6

NANCY KUBIK, continued

Thank you very much. Oh, I want to mention, too, that if you go to the sewer pond off Smith Ranch Road, you'll see dogs on leash walked with abundant wildlife, and they don't seem to be a problem. And I'm wondering about the legality of restricting dogs on the Bay Trail, which, as I understand it, really encompass the entire Bay region -- if that would be of the use of a trailhead. Would that be considered all right in other areas and suddenly not in ours, if that would be wrong? I-14.7

Thank you.

# I-14 Nancy Kubik

## I-14.1

In the preferred alternative, the interpretive center would be located on City of Novato land west of the Hamilton seasonal wetland restoration area and not on BMKV, meaning that traffic to the interpretive center would not effect Bel Marin Keys Boulevard.

The impacts of putting the Bay Trail on either the west or east side of Pacheco Pond on existing wildlife are discussed in the *Biological Resources* section of chapter 4. As noted in the Draft SEIR/EIS there are potential significant biological effects of routing the trail on either side of the pond and mitigation is proposed to reduce those effects to a less-than-significant level. It should be noted that a trail on the west side of the pond would have to cut directly through a willow riparian habitat at the confluence of Arroyo San Jose and Pacheco Creeks and would have to be directly adjacent to the edge of Pacheco Pond whereas a trail on the east side can be separated from the pond in areas by location on the slope of the levee. In addition, the City of Novato and the County of Marin have both endorsed a trail on the east side of Pacheco Pond in the land use plans, as noted in the Draft SEIR/EIS.

The design of the trail from Bel Marin Keys Boulevard to Hamilton Drive is not within the scope of this project. Safety concerns regarding this or any other segment of Bay trail would be a subject for the agency that proposes to extend the Bay Trail. Trail routing has been moved to the west side of Headquarters Hill to avoid a future Bay Trail having to be routed along the curved segment of Bel Marin Keys Boulevard near the entrance to the Bel Marin Keys residential area.

The discussion in chapter 4 has been expanded to clearly elucidate the effects related to removal of eucalyptus trees on the east of Pacheco Pond. The eucalyptus trees on Headquarters Hill (the grove near Bel Marin Keys Boulevard) are on private land and are not part of the restoration project. Direct disruption of nesting would be avoided; however, the groves near the barn and south of the barn would need to be removed outside the breeding season to facilitate the levee improvements and the site preparation and dredged material placement for the preferred alternative seasonal wetlands. With the mitigation proposed in the document, the impact on nesting by species that presently utilize these trees would be less than significant.

The BMKV expansion is a wetland restoration project with a priority on creating wetland habitat for threatened and endangered and other migratory and resident species. With this priority in mind, as discussed in the *Biological Resources* section in chapter 4, the potential negative effects of dog access on the species expected to utilize the restored wetland areas and on the existing wildlife of Pacheco Pond can be avoided by prohibiting dog use on the site. Dog use is currently forbidden at Pacheco Pond at present for the same reason; to allow dogs on the BMKV expansion site would be incompatible with the project goals and the existing management of Pacheco Pond for wildlife.

## I-14.2

See Master Response 11 regarding habitat design and Master Response 12 regarding existing habitat. As noted in Master Response 1, the preferred alternative, Alternative 2, has been changed to move the new outboard levee 1500 feet from the south lagoon to enlarge the swale to increase the available upland

habitat, enlarge the available overflow volume, and reduce the aesthetic impacts of the new levee. The impact of the project on existing wildlife relative to structure and tree removal has been elaborated in the Final SEIR/EIS; however given the avoidance of direct disruption to nesting and the common nature of the affected species, this impact is considered less than significant.

**I-14.3**

Site preparation and placement of dredged material would take place over a 13-year construction period. Over time, as existing habitats are converted, the existing wildlife would migrate to other portions of the site and ultimately to adjacent areas. Egress from the site would not be blocked, and it is expected that common wildlife species that currently utilize the site would gradually be displaced to adjacent areas such as Pacheco Pond, the agricultural fields north of Bel Marin Keys Boulevard, and areas beyond. There is no specific wildlife corridor currently planned for the site. It should also be noted that, over time, the site would provide a diverse array of upland, open water, seasonal wetland, emergent marsh, and tidal marsh that can be utilized by many of the same species that use the existing site. Overall, as concluded in the Draft SEIR/EIS, the effect of common wildlife species and their habitats is expected to be less than significant.

**I-14.4**

1) See response to I-14.1 concerning Bay Trail routing.
2) This has been incorporated into the preferred alternative.
3) See response above concerning levee location.
4) See response above concerning existing wildlife.
5) See response above concerning dog use and impacts.

**I-14.5**

See response above concerning existing habitat.

**I-14.6**

See response above concerning levee location.

**I-14.7**

The designation of a trail as part of the Bay Trail does not establish any requirements to permit or prohibit dog use. Since construction and management of the Bay Trail is implemented by local agencies and agencies whose land the trail crosses, the decision about dog use is on a case-by-case basis depending on the overall management parameters for the land crossed. In some areas, dog use is allowed. In others, dog use is prohibited particularly where the trail crosses through sensitive wildlife areas. The lead agencies believe that Pacheco Pond is a sensitive wildlife area and the BMKV expansion site, over time, would become a sensitive wildlife area and that dog use is incompatible with the project goals and objectives because of the potential disruption of existing and future sensitive species.

Comment Letter I-15

BEL MARIN KEYS UNIT V EXPANSION OF THE
HAMILTON WETLAND RESTORATION PROJECT
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/REPORT
TRANSCRIPT OF PUBLIC COMMENT AT PUBLIC HEARING (8/21/02)

JOHN BOSCACCI

My name is John Boscacci. And I live in Bel Marin Keys, 48 Caribe Isle.

My comment really is just that all the projects nowadays have mission statements. I would like you to amend the existing mission statement to include the concerns of the residents of Bel Marin Keys having to do with the waterway insurance and anything that might negatively affect the lifestyles of the residents of Bel Marin Keys. I would like that included in the mission statement as a show of good faith for our working with you as a community. I-15.1

Thank you.

# I-15 John Boscacci

**I-15.1**

The project goals and objectives for the BMKV expansion are those previously established for the HWRP. These are in effect, the "mission statement" for this project, which is an expansion of the authorized HWRP. Since this is not a new project, the goals and objectives remain those for the original project. It should be noted that several of the objectives (see page ES-3 of the Draft SEIR/EIS) include consideration of adjacent areas such as "include buffer areas along the upland perimeter of the project area, especially adjacent to residential area" and "to be compatible with adjacent land uses and wildlife habitats. The comment about "waterway insurance" is unclear; if this comment is concerning flood insurance, please see Master Response 5.

Comment Letter I-16

BEL MARIN KEYS UNIT V EXPANSION OF THE
HAMILTON WETLAND RESTORATION PROJECT
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/REPORT
TRANSCRIPT OF PUBLIC COMMENT AT PUBLIC HEARING (8/21/02)

HUGH SMITH

My name is Hugh Smith. I'm president of the homeowners' association of the Gardens. It's a 30-unit townhouse development about a pitching wedge away from where the interpretive center will be, as shown in Alternatives 2 and 3.

I am a big fish in a little pond obviously. However, I've had personal experience with inviting the public to our community, in that once a year we invite the public to come to a garage sale. In two separate incidents I've had tools stolen on those days. And I've talked to many other residents who have had things stolen as a result of inviting people to our community. It's partly because we are not equipped with the types of gates and fences and security to handle an influx of the public, so it doesn't work out too good, even though people get to sell their kayaks and stuff.

I would just ask that if this be a success, i.e., the interpretive center as planned, where it's at Bel Marin Keys that you consider it a success and you only have ten parking spaces. Then the cul-de-sac where I live will get the overflow. That's just the most obvious concern that needs to be addressed, never mind inviting the public to an area that is having difficulty handling it just one day a year. I-16.1

Thank you.

# I-16 Hugh Smith

**I-16.1**

Refer to Master Response 14. In the preferred alternative, the interpretive center would be located on City of Novato property near Hamilton.

Comment Letter I-17

BEL MARIN KEYS UNIT V EXPANSION OF THE
HAMILTON WETLAND RESTORATION PROJECT
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/REPORT
TRANSCRIPT OF PUBLIC COMMENT AT PUBLIC HEARING (8/21/02)

EVELYN BECKER

I request that the Bel Marin Keys dredged soils materials be listed in the EIS/EIR as preferred sources of materials, given the Regional Board's criteria for wetlands restoration. It is a local geological content and native seed content which is critical to the success of local restoration projects. Also, we'd like to have something in writing from you, a memorandum which would assure us that our dredged soils are preferred. And here again is a report of that. I-17.1

# I-17 Evelyn Becker

**I-17.1**

See Master Response 10 regarding dredged material quality and sources. As noted in the master response, the project sponsors are willing to accept BMK CSD dredged material during the dredged material placement phase, provided that the material is determined to be suitable cover material for use in the wetland project by the DMMO, its reuse is cost effective to the project, and the timing and other parameters of the material's availability are consistent with the project implementation process.

Comment Letter I-18

BEL MARIN KEYS UNIT V EXPANSION OF THE
HAMILTON WETLAND RESTORATION PROJECT
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/REPORT
TRANSCRIPT OF PUBLIC COMMENT AT PUBLIC HEARING (8/21/02)

TOM HARRISON

I'm Tom Harrison. I'm the district commander of the United States Sail and Power Squadrons, an international boating organization. We have helped in the finding of toxic dumps at Hamilton. We deal in recreational boating. And we plan to help in your project.

Now, my concern is, number one, that my wife and I found the benchmarks to locate the toxic dumps at Hamilton landfills 26 and 28. We worked with the Corps of Engineers. I have in my hands a report that I passed on to the Corps about a low-level radiological waste disposal that has been lost, but it is believed to be located near a creek tributary to the Bay. And this was an engineers study by Woodward-Clyde Consultants written in 1987. Now, I don't know whether you have that information or not. I-18.1

However, there's also another thing about the east levee. And it says that these areas -- let me read - It is not known to what extent contamination these or other chemicals is more widespread than the [inaudible] Bay sediments in the aquatic life or to what extent high accumulation of pollutants in the food chain threatens aquatic life, waterfowl, or public health. I-18.2

Now, this was written in 1987. They haven't located the source of that low-level toxic dump. They looked for it, but they did not find it. I-18.1

But the concern is that we in Bel Marin Keys have had has been trying to get Novato Creek dredged. And it seems that the problem is that we can't get rid of the dredged soils. Now, it is my feeling that should this project go, we should be assured of getting -- being able to dredge Novato creek so we can get our boats out and use them. Now, there's nothing in your proposal about what we're going to do or what you're going to do to assure that we do that. Now, I would suggest that you incorporate into your game plan that we in Bel Marin Keys will be assured of being able to navigate Novato Creek. I-18.3

Thank you for your time.

# I-18 Tom Harrison

**I-18.1**

The comment concern a former radiological disposal area, identified in the Confirmation Study for Hazardous Waste, Hamilton Air force, Novato, California, Final Report, January 14,1987. This site was located on the HAAF parcel, just south of Pacheco Pond on the HAAF parcel. Two corrugated-metal cylinders containing low-level radiological waste were recovered and removed on September 14, 1988. Independent confirmation of the removal action was confirmed in records of the USAF Radioisotope Committee and the material and associated waste generated by the removal action were containerized and shipped to a waste disposal facility in South Carolina. The Community Environmental Response Facilitation Act Report (April 1994) recommended no further investigation for the former radiological disposal site.

As this site is on the HAAF parcel, has been remediated, and would not be affected by the actions included in the BMKV expansion, this information is not necessary to the impact analysis.

**I-18.2**

The east levee landfill is located outside the east levee in the eastern area of the Hamilton Army Airfield parcel. As previously stated, the BRAC process is separate from the BMKV expansion; the environmental impact of the currently authorized HWRP was examined in the prior EIR/S.

**I-18.3**

See Master Response 6 regarding Novato Creek Morphology and Navigation. The Draft SEIR/EIS concludes that the project would not have an adverse effect on navigation in relation to channel depth or width of Novato Creek. The purpose of this project is not navigation and no mitigation is necessary because no significant adverse effect on navigation is expected due to the proposed project.

Regarding BMK CSD dredged sediments, the project sponsors are willing to accept BMK CSD dredged material during the dredged material placement phase, provided that the material is determined to be suitable cover material for use in the wetland project by the DMMO, its reuse is cost effective to the project, and the timing and other parameters of the material's availability are consistent with the project implementation process. If the material is determined suitable, it may assist the BMK CSD in disposing of the dredged material, which would facilitate the BMK dredging project and therefore alleviate some of the existing navigation problems..

Comment Letter I-19

BEL MARIN KEYS UNIT V EXPANSION OF THE
HAMILTON WETLAND RESTORATION PROJECT
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/REPORT
TRANSCRIPT OF PUBLIC COMMENT AT PUBLIC HEARING (8/21/02)

MADELINE THOMAS

My name is Madeline Thomas. I live at 136 Montego Key.

I have a question regarding Novato Creek. In the original channel that we had before Charlie Hoover and Jack West in 1966 got together and decided -- without telling anyone or getting a permit from the Corps -- to change the course of the river. They blocked the San Pablo Bay at the mouth of the creek and forced the creek to make a left turn, which is now Marker 25. Instead of the river flowing in its natural course down to San Pablo Bay, which was the southeasterly direction, we do not go to the south anymore, i.e. the outer reach. We did not have problems with siltation in the creek until that change was made.

We feel you should study this problem and consider correcting it, block the outer reach, open up the natural channel going down the Bay to the markers. We have spent thousands of dollars-- tax dollars -- dredging our area. And we are now preparing to dredge it again. Please consider this matter in your report. I-19.1

Thank you.

# I-19 Madeline Thomas

**I-19.1**

See Master Response 6 regarding Novato Creek Morphology and Navigation. The Draft SEIR/EIS concludes that the project would not have an adverse effect on navigation in relation to channel depth or width of Novato Creek or the outer channel to the Petaluma River. The purpose of this project is not navigation and no mitigation is necessary because no significant adverse effect on navigation is expected due to the proposed project. The potential creation or recreation of an alternative channel is outside the scope and authority of the proposed project and is unrelated to any effect of the proposed project.

Comment Letter I-20

BEL MARIN KEYS UNIT V EXPANSION OF THE
HAMILTON WETLAND RESTORATION PROJECT
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/REPORT
TRANSCRIPT OF PUBLIC COMMENT AT PUBLIC HEARING (8/21/02)

JEAN DUCOMMON

I live at 276 Montego Key.

I want to ask this group to look at old charts, because as Madeleine has correctly pointed out there was a much closer break in the levees in the early days. And unfortunately I found that water out there was pretty shallow -- that [inaudible] famous channel did not exist on charts that I gave -- the one chart that I had. But right now using the existing route out of our community by boat, we had deep water basically all the way out to the railroad bridge just south of Highway 37. I-20.1

# I-20 Jean Ducommon

**I-20.1**

Comment noted. Comment is a statement about the Novato Creek channel and makes no comment about the Draft SEIR/EIS, so no response is provided.